

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

OKCDT ENTERPRISE, LLC et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-18-1134-G
)	
CR CRAWFORD CONSTRUCTION,)	
LLC et al.,)	
)	
Defendants.)	

ORDER

Now before the Court is Plaintiffs’ Motion to Remand (Doc. No. 5). Defendants have responded in opposition. *See* Doc. No. 12. Upon consideration of the parties’ filings, the Court denies Plaintiffs’ motion as moot.

Plaintiffs OKCDT Enterprise, LLC and Anish Hotels Group, LLC filed this action in state court on October 31, 2018, against Defendants CR Crawford Construction, LLC, Cody Crawford, Jason Keathley, and Scott Stokenbury. Defendants removed the case on November 19, 2018, asserting that the court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. Defendants alleged that both Plaintiffs are Oklahoma limited liability companies and that all Defendants are citizens of Arkansas. *See* Notice of Removal (Doc. No. 1) at 1.

Plaintiffs filed their Motion to Remand on November 29, 2018, contending that Defendants’ Notice of Removal failed to allege complete diversity due to its failure to identify the citizenship of the members of the limited liability companies party to the lawsuit. *See* Pls.’ Mot. at 1; *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d

1233, 1238 (10th Cir. 2015) (explaining that a limited liability company “takes the citizenship of all its members”). Defendants filed an amended notice of removal the following day, on November 30, 2018. *See* Doc. No. 9. This document identifies each Plaintiff as an Oklahoma limited liability company by referencing their Corporate Disclosure Statements, *see* Doc. Nos. 6, 7, and avers that each of Defendant CR Crawford Construction, LLC’s three members are citizens of Arkansas. *See* Am. Notice of Removal (Doc. No. 9) at 1 n.2.

A notice of removal may be amended freely within the thirty-day period set forth in 28 U.S.C. § 1446(b) for the removal of actions (i.e., within thirty days of a defendant’s receipt of the initial pleading). *See Mason v. Thompson*, No. CIV-05-1464-HE, 2006 WL 1134939, at *1 (W.D. Okla. Apr. 27, 2006); 14C Charles Alan Wright, et al., *Federal Practice and Procedure* § 3733 (4th ed. 2018). Defendants were served on or about November 15, 2018, and filed their amended notice of removal on November 30, 2018. *See* Am. Notice of Removal at 2. Their amended notice of removal, therefore, was timely filed.

ACCORDINGLY, Plaintiff’s Motion to Remand (Doc. No. 5), which alleges deficiencies in Plaintiff’s original notice of removal, is DENIED as moot.

IT IS SO ORDERED this 9th day of January, 2019.


CHARLES B. GOODWIN
United States District Judge